


Yost

By 

H.J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to authorize the exemption
2 from ad valorem taxation of certain property temporarily in the
3 state for commercial purposes.

4 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Article VIII, Section 1, of the Texas
6 Constitution is amended to read as follows:

7 Sec. 1. (a) Taxation shall be equal and uniform.

8 (b) All real property and tangible personal property in this
9 State, unless exempt as required or permitted by this constitution,
10 whether owned by natural persons or corporations, other than
11 municipal, shall be taxed in proportion to its value, which shall
12 be ascertained as may be provided by law.

13 (c) The Legislature may provide for the taxation of
14 intangible property and may also impose occupation taxes, both upon
15 natural persons and upon corporations, other than municipal, doing
16 any business in this State. It may also tax incomes of both
17 natural persons and corporations other than municipal, except that
18 persons engaged in mechanical and agricultural pursuits shall never
19 be required to pay an occupation tax.

20 (d) The Legislature by general law shall exempt from ad
21 valorem taxation household goods not held or used for the
22 production of income and personal effects not held or used for the
23 production of income. The Legislature by general law may exempt
24 from ad valorem taxation:

1 (1) all or part of the personal property homestead of
2 a family or single adult, "personal property homestead" meaning
3 that personal property exempt by law from forced sale for debt; and

4 (2) subject to Subsection (e) of this section, all
5 other tangible personal property, except structures which are
6 personal property and are used or occupied as residential dwellings
7 and except property held or used for the production of income.

8 (e) The governing body of a political subdivision may
9 provide for the taxation of all property exempt under a law adopted
10 under Subsection (d)(2) [~~Subdivision-(2)-of-Subsection-(d)~~] of this
11 section and not exempt from ad valorem taxation by any other law.

12 (f) [~~7--from-ad-valorem-taxation-~~] The occupation tax levied
13 by any county, city or town for any year on persons or corporations
14 pursuing any profession or business, shall not exceed one half of
15 the tax levied by the State for the same period on such profession
16 or business.

17 SECTION 2. Article VIII of the Texas Constitution is amended
18 by adding Section 1-k to read as follows:

19 Sec. 1-k. (a) To promote economic development in this
20 state, tangible personal property consisting of goods, wares,
21 merchandise, or ores, other than oil, natural gas, and petroleum
22 products, is exempt from ad valorem taxation if:

23 (1) the property is transported from outside this
24 state into this state to be forwarded outside this state, whether
25 or not the intention to forward the property outside this state is
26 formed or the destination to which the property is forwarded is
27 specified when the transportation of the property into this state

1 begins;

2 (2) the property is detained in this state for
3 assembling, storing, manufacturing, processing, or fabricating
4 purposes; and

5 (3) the property is not located in this state for more
6 than 175 days.

7 (b) A county, school district, or municipality, including a
8 home-rule city, shall impose ad valorem taxes on property otherwise
9 exempt from ad valorem taxation under Subsection (a) of this
10 section if the governing body of the county, school district, or
11 municipality in the manner provided by law for official action by
12 the body elects, before April 1, 1990, to tax the property as
13 permitted by this subsection. If the governing body takes that
14 official action before January 1, 1990, the property is taxable by
15 the county, school district, or municipality beginning with the
16 1990 tax year. If the governing body takes that official action on
17 or after January 1, 1990, and before April 1, 1990, the property is
18 exempt in 1990 and becomes taxable by the county, school district,
19 or municipality beginning with the 1991 tax year.

20 (c) The governing body of a county, school district, or
21 municipality that acts under Subsection (b) of this section to tax
22 the property otherwise exempt by Subsection (a) of this section
23 subsequently may exempt the property from taxation by rescinding
24 its action to tax the property. The exemption applies to each tax
25 year that begins after the date the action is taken and applies to
26 the tax year in which the action is taken if the governing body so
27 provides. A governing body that rescinds its action to tax the

1 property may not take action to tax the property after the
2 rescission.

3 (d) The exemption provided by Subsection (a) of this
4 section applies to taxes imposed in 1990 and subsequent years.
5 However, the governing body of a political subdivision of this
6 state in the manner provided by law for official action by the body
7 may exempt the property described by Subsection (a) of this
8 section from taxes imposed by the political subdivision in 1989.
9 If a governing body exempts the property from 1989 taxes, the
10 governing body shall waive 1989 taxes already imposed and refund
11 1989 taxes already paid on the property for that year.

12 SECTION 3. This proposed constitutional amendment shall be
13 submitted to the voters at an election to be held on November 7,
14 1989. The ballot shall be printed to provide for voting for or
15 against the following proposition: "The constitutional amendment
16 providing for the exemption from ad valorem taxation of tangible
17 personal property that is in the state only temporarily for
18 assembling, storing, manufacturing, processing, or fabricating
19 purposes."

HOUSE JOINT RESOLUTION

proposing a constitutional amendment to authorize the exemption from ad valorem taxation of certain property temporarily in the state for commercial purposes.

" NOV 21 1988

1. Filed with the Chief Clerk.

JAN 23 1989

2. Read first time and referred to Committee on

Ways & Means

3. Reported favorably (as amended) and sent to Printer at (as substituted)

4. Printed and distributed at

5. Sent to Committee on Calendars at

6. Read second time (amended) and (finally) passed to Third Reading by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

7. Motion to reconsider and table the vote by which H.J.R. _____ was ordered engrossed prevailed (failed) by (Non-Record Vote) (Record Vote of _____ yeas, _____ nays, _____ present, not voting).

8. Read third time (amended) and finally adopted (failed of adoption) by a Record Vote of _____ yeas, _____ nays, _____ present, not voting.

9. Caption ordered amended to conform to body of resolution.

10. Motion to reconsider and table the vote by which H.J.R. _____ was finally adopted prevailed (failed) by a (Non-Record Vote) Record Vote of _____ yeas, _____ nays, and _____ present, not voting).

11. Ordered Engrossed at

12. Engrossed.

13. Returned to Chief Clerk at

14. Sent to the Senate.

Chief Clerk of the House

15. Received from the House

16. Read, referred to Committee on

17. Reported favorably

18. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

19. Ordered not printed.

20. Regular order of business suspended by

(a viva voce vote.)

(_____ yeas, _____ nays.)

21. To permit consideration, reading and passage, Senate and Constitutional Rules suspended by vote of _____ yeas, _____ nays.

22. Read second time

passed to third reading by:
(a viva voce vote.)

(_____ yeas, _____ nays.)

_____ 23. Caption ordered amended to conform to body of bill.

_____ 24. Senate and Constitutional 3-Day Rules suspended by vote of _____ yeas,
_____ nays to place bill on third reading and final passage.

_____ 25. Read third time and passed by
(a viva voce vote.)
(_____ yeas, _____ nays.)

OTHER ACTION:

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Secretary of the Senate

_____ 26. Returned to the House.

_____ 27. Received from the Senate (with amendments.)
(as substituted.)

_____ 28. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record
(Substitute) Vote) (Record Vote of _____ yeas, _____ nays, _____ present,
not voting).

_____ 29. Conference Committee Ordered.

_____ 30. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record
Vote of _____ yeas, _____ nays, and _____ present, not voting).

_____ 31. Ordered Enrolled at _____